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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA,
Department of Fish and Game,

Plaintiff,

v.

FEDERAL SUBSISTENCE BOARD, et al.,

Defendants,

and

Case No. 3:20-cv-00195-SLG

ORGANIZED VILLAGE OF KAKE,

Intervenor-Defendant.

**FIRST ALASKANS INSTITUTE'S MOTION FOR LEAVE TO FILE BRIEF OF
AMICUS CURIAE**

State of Alaska v. Federal Subsistence Board et al.

First Alaskans Institute's Motion for Leave to File Brief of Amicus Curiae

Case No. 3:20-cv-00195-SLG

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First Alaskans Institute (“FAI”) moves this Court to enter an order allowing FAI to file the brief of amicus curiae lodged with this motion. FAI’s amicus brief supports the Federal Defendants in this case and addresses the history and importance of the State of Alaska’s challenge to the Federal Subsistence Board’s (FSB) authority under ANILCA.

Neither the Federal Rules of Civil Procedure nor the District Court’s Local Rules establish a procedure for the participation of amicus curiae at the District Court. However, Federal Rule of Appellate Procedure 29(a)(6) provides that a motion to file an amicus brief should be filed no later than seven days after the filing of the initial brief of the party whom the amicus is supporting. Because FAI is supporting the federal defendants in this case, and because the federal defendants’ brief responding to the State of Alaska’s opening brief is due on July 30, 2021, the due date for FAI to submit an amicus brief is August 6, 2021.

FAI is a nonprofit corporation organized under the laws of the State of Alaska that engages in and promotes charitable and educational activities designed to foster and promote the self-determination and well-being of Alaska Natives. FAI works to unify the strength of the Alaska Native community, develop and steward strong relationships with strategic partners throughout the State, and prepare Native leaders to advance a collective vision of healthy, happy, and thriving Native communities. Through community engagement, researching and collecting information, collaborations and partnerships, and educating and supporting, FAI seeks to make progress and advance the interests of Alaska Natives for the next 10,000 years.

FAI represents the interests of Alaska Natives who live throughout all regions of Alaska, including Kake and the rural communities located within Game Management Unit 13, the regions at issue in this case. FAI's mission and community engagement is informed and guided by Alaska Native knowledge and indigenous customs and traditions. It is impossible to overstate the importance of Alaska Native subsistence uses of wild game and fish resources to this customary and traditional knowledge. Alaska Natives have been stewards of these resources since time immemorial; this stewardship is a core element of Alaska Native self-determination.

Accordingly, FAI has an interest in protecting Alaska Native subsistence hunting and fishing rights and preserving Alaska Native customary and traditional methods of subsistence harvest of fish and game. Because the ability of rural Alaska Natives to continue their subsistence uses of game under ANILCA's rural priority is squarely at issue in this case, FAI has a significant stake in the outcome of this litigation. FAI's knowledge of and experience with the history of subsistence hunting and fishing in Alaska and how conflicts between rural subsistence hunters and urban hunters compromise the continuation of customary and traditional subsistence users of game will aid the Court in its resolution of this case.

The historical and legal perspective that FAI brings to the Court's attention, and the focus of its amicus brief upon the history of management issues and competition in Game Management Unit 13, and the purpose and intent of ANILCA to empower to the FSB to

protect and prioritize rural subsistence uses of wild game and fish, is both relevant and desirable and “alerts the [court] to the possible implications of [the case].”¹ FAI, through its briefing, seeks to add value to the Court’s evaluation of the issues presented by the parties to this case.² Its brief offers a different analytical approach to the legal issues before the Court, and will assist the Court by providing ideas, arguments, insights, facts, and data supporting the actions taken by Federal Defendants.³ For these reasons, FAI is qualified to be an amicus in this case, and the Court should grant this motion, allow FAI to file an amicus brief, and accept that brief.

Dated: August 6, 2021, at Anchorage, Alaska.

LANDYE BENNETT BLUMSTEIN LLP
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By: /s/ Anna C. Crary
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¹ *Neonatology Associates, P.A., v. C.I.R.*, 293 F.3d 128, 133 (3rd Cir. 2002).

² *See Prairie Rivers Network v. Dynergy Midwest Generation, LLC*, 976 F.3d 761, 763 (7th Cir. 2020).

³ *See Voices for Choices v. Illinois Bell Telephone Co.*, 339 F.3d 542,545 (7th Cir. 2003).

CERTIFICATE OF SERVICE

I hereby certify that on August 6, 2021, a copy of the foregoing was served by electronic means and all counsel of record by the Court's CM/ECF system.

/s/ Anna C. Crary
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